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# Public Notice

Public Notice No. 07-41 Date: April 27, 2007

Nashville District Application No. 200600597 Expires: May 27, 2007

*Please address all comments to:* Regulatory Branch, 3701 Bell Road, Nashville, TN 37214-2660; ATTN: J. Ruben Hernandez

SUBJECT: Proposed Gypsum Disposal in Waters and Jurisdictional Wetlands, Mile 3.2, Right Bank, Clinch River, in Roane County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act (33 USC 1344)**.

Before a permit can be issued, certification must be provided by the State of Tennessee, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. The applicant has applied for the State certification by separate application.

APPLICANT: Tennessee Valley Authority (TVA)  
Kingston Fossil Plant (KIF)  
1101 Market Street  
Chattanooga, Tennessee 37402

LOCATION: In KIF property, affecting slack-water areas of Watts Bar Lake and jurisdictional wetlands, near Mile 3.2, right bank, Clinch River, in Roane County, Tennessee, Lat 35° 53' 40", Lon 84° 30' 20", Harriman & Elverton, USGS Quad maps (Exhibit A).

DESCRIPTION: TVA proposes to construct a Flue Gas Desulfurization (FGD) system to control sulfur dioxide (SO<sub>2</sub>) emissions from the KIF to meet requirements under the 1990 Clean Air Act Amendments and the Title IV regulations for the Acid Rain Program. Synthetic gypsum will be produced by the reaction of sulfur dioxide with limestone and oxygen in the scrubber absorber. The installation of the FGD system at KIF will necessitate additional disposal facilities for the synthetic gypsum. TVA plans to market as much of the gypsum as possible.

A gypsum disposal facility would be developed on the KIF reservation. TVA considered several on- and off-site alternative disposal locations but determined them unfeasible. The disposal facility will be developed in two phases. Phase I will require impacts to two wetland areas identified as W3 and W4 (Exhibit B). Phase II will affect wetland areas W1, W1A, and W2. All the

wetlands are of the palustrine forested type, and W2 consists of a small depression at the head of a drainage. The total wetland impacts will be 4.81 acres of which 1.35 acres is open water habitat and other amounts are fringe wetlands. The gypsum disposal area footprint was modified to result in the least amount of wetland impact.

Mitigation/Monitoring: Compensatory wetland mitigation will occur offsite in the Drowning Creek floodplain. Drowning Creek is a tributary to the Obed River and is in HUC 06010208 (Exhibit C). The site is 27 acres of which 19.5 are suitable for wetland mitigation on Atkins soils which are on the hydric soil list for Cumberland County. The site is currently under pasture with pockets of herbaceous wetland vegetation. The site has been altered by ditches that were excavated to facilitate livestock usage but much of the site still retains sufficient hydrology to be classified as jurisdictional wetlands. However, grazing and ditching have resulted in significant but reversible degradation.

The proposed wetland mitigation plan will involve the filling of ditches to prevent the drainage of surface water and to restore groundwater hydrology to zones immediately near the ditches. Some ditches will be blocked instead of being filled to create diversity and small pools for amphibians. Tree species such as willow oak, cherrybark oak, white oak, persimmon, water tolerant dogwoods, ironwood and possumhaw will be planted on ten foot centers at the rate of 450/acre. No one species will comprise more than 20% of the total. Species will be planted in locations according to their tolerance to inundation and saturation. The site will be monitored with annual reports submitted to this office and the Tennessee Department of Environment and Conservation (TDEC).

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply

and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers (Corps) is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

TVA prepared an EA in April 2006 to consider the SO<sub>2</sub> emission issue. The EA is posted on the TVA website under: [www.tva.gov/environment/reports/kingston2/index.htm](http://www.tva.gov/environment/reports/kingston2/index.htm). An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

TVA has conducted archaeological investigations encompassing the affected area (Wild 2003, and Thomas 2005). One site potentially eligible for listing on the National Register of Historic Places (NRHP) was discovered but would be avoided by construction or the location would be subject to a phase 2 evaluation. By letter dated January 25, 2006, the State Historic Preservation Officer (SHPO) concurred with TVA's determination that the project area contains no archaeological resources eligible for listing in the NRHP. The Corps has reviewed the archaeological information and concurs with TVA and SHPO. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the SHPO.

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Based on the analysis provided in the 2006 TVA EA (page 3) and other available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

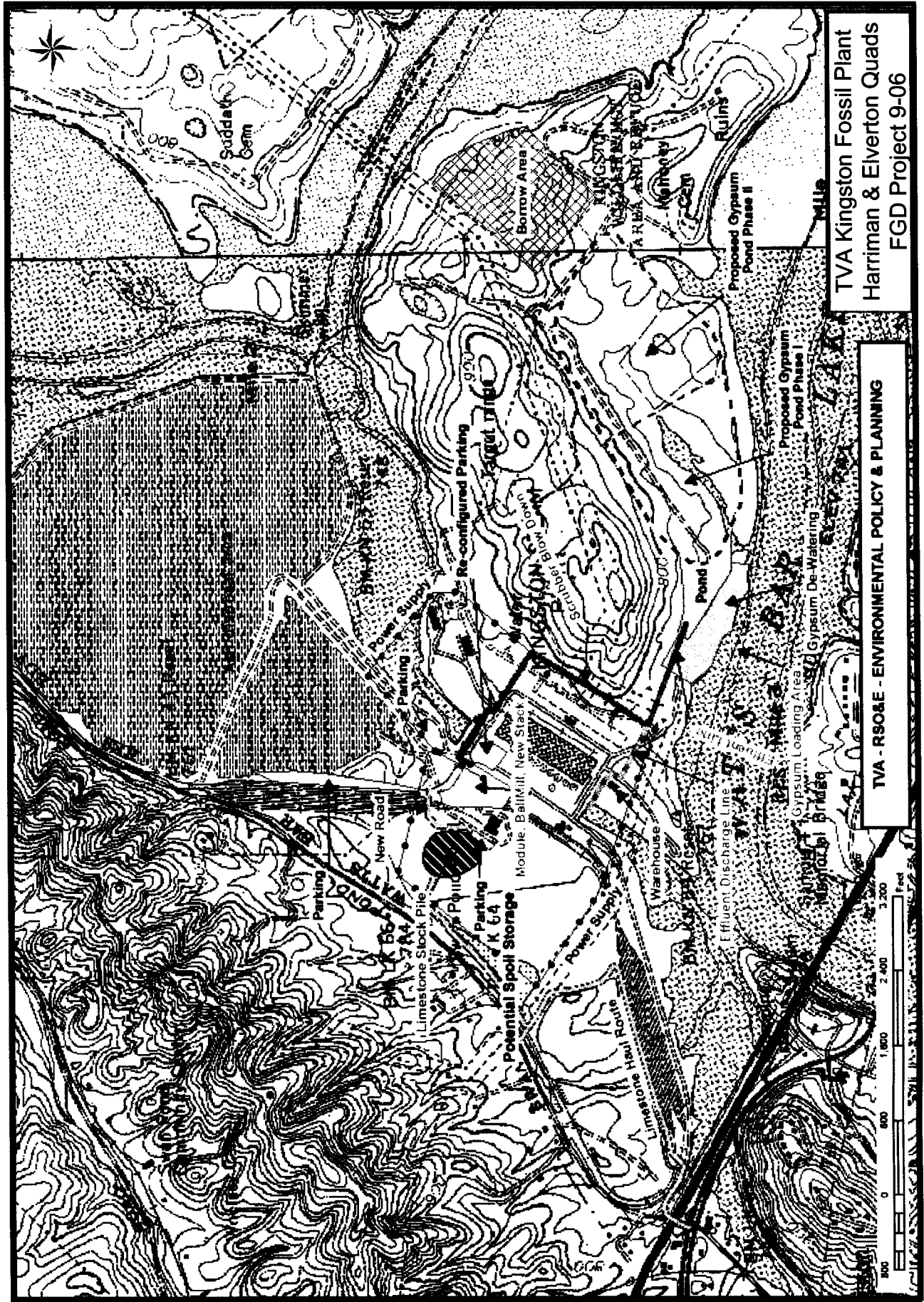
- Water quality certification from TDEC in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before May 27, 2007, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: J. Ruben Hernandez, at the above address, telephone (615) 369-7519.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:

<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Hernandez at the above address or phone number.



TVA Kingston Fossil Plant  
 Harriman & Elverson Quads  
 FGD Project 9-06

TVA - RS&E - ENVIRONMENTAL POLICY & PLANNING

EXHIBIT B

FILE NO. 200600597

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Borrow Area

Proposed Gypsum Pond Phase II

Proposed Gypsum Pond Phase I

W3

W4

W1/W1A

W2

Pond

Gypsum De-Watering

Gypsum Loading Area

LEGEND

Kingston FP Wetland Areas

Toe of slope

TVA - RSO&E - ENVIRONMENTAL POLICY & PLANNING

0 200 400 600 Feet

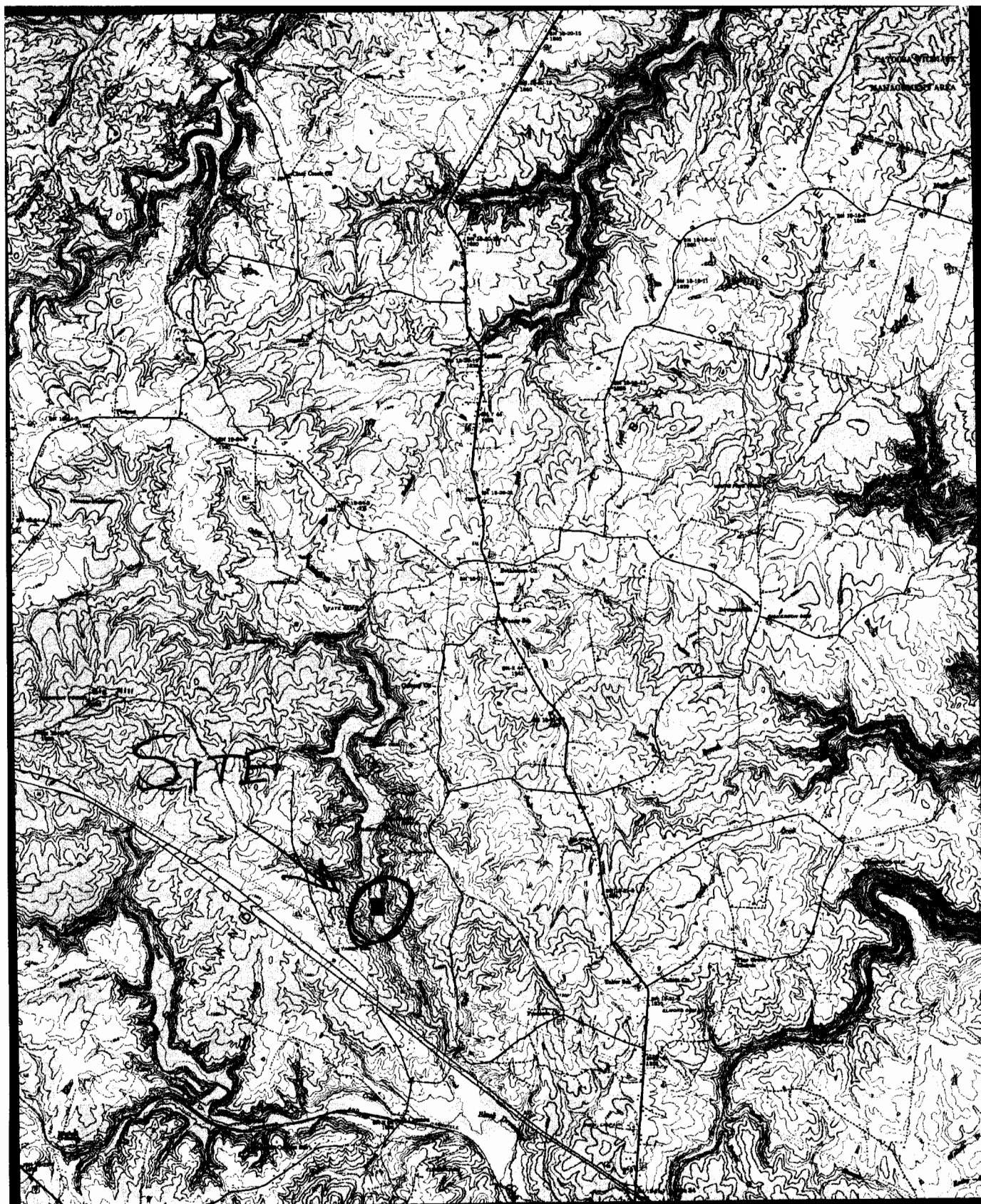


Figure 1. Approximate location of site northeast of Crossville, TN on the Isoline Quadrangle marked in red.

EXHIBIT C  
FILE NO. 200600597  
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